

SECOND REGULAR SESSION

# SENATE BILL NO. 729

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CROWELL.

Pre-filed December 1, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

3102S.011

## AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to civil actions for damages.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 537, RSMo, is amended by adding thereto one new  
2 section, to be known as section 537.530, to read as follows:

**537.530. 1. In any original action for damages in excess of three  
2 thousand dollars against an individual or entity licensed to practice a  
3 profession by this state, in any agency or court thereof, on account of  
4 the rendering of or failure to render professional services, the plaintiff  
5 or his or her attorney shall file an affidavit with the court stating that  
6 he or she has obtained the written opinion of a legally qualified  
7 professional which states that the defendant failed to use such care as  
8 a reasonably prudent and careful professional would have under  
9 similar circumstances and that such failure to use such reasonable care  
10 directly caused or directly contributed to cause the damages claimed  
11 in the petition.**

**12 2. The affidavit shall state the name, address, and qualifications  
13 of all legally qualified professionals offering such opinion.**

**14 3. A separate affidavit shall be filed for each defendant named  
15 in the petition.**

**16 4. Such affidavit shall be filed no later than ninety days after the  
17 filing of the first responsive pleading unless the court, for good cause  
18 shown, orders that such time be extended for a period of time not to  
19 exceed an additional ninety days.**

**20 5. If the plaintiff or his or her attorney fails to file such affidavit  
21 the court shall, upon motion of any party, dismiss the action against**

22 such moving party without prejudice.

23           6. "Legally qualified professional" for purposes of this section  
24 shall mean an individual licensed in this state, or any other state, in  
25 the same profession as the defendant and either actively practicing or  
26 within five years of retirement from actively practicing substantially  
27 the same specialty as the defendant.

28           7. "License" for purposes of this section refers to a professional  
29 license obtained pursuant to either chapter 326, 327, 339, or 340, RSMo.

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